

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JEREMY PREWITT,  
Plaintiff,  
v.  
J. DOERER,  
Defendant. ) Case No.: 1:24-cv-1184 JLT BAM (PC)  
 )  
 ) ORDER ADOPTING IN FULL THE FINDINGS  
 ) AND RECOMMENDATIONS, DISMISSING THE  
 ) ACTION WITHOUT PREJUDICE, AND  
 ) DIRECTING THE CLERK OF COURT TO CLOSE  
 ) THE CASE  
 )  
 ) (Doc. 5)  
 )

Jeremy Prewitt seeks to hold J. Doerer, Warden at United States Penitentiary Atwater, liable for violations of his civil rights while incarcerated at the facility.<sup>1</sup> The assigned magistrate judge found Plaintiff failed to obey the Court’s order and failed to prosecute the action. (Doc. 5 at 1-2.) The magistrate judge found terminating sanctions are appropriate, after considering the factors identified by the Ninth Circuit in *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). (*Id.* at 2-3.) Thus, the magistrate judge recommended that the Court dismiss the action without prejudice. (*Id.* at 3.)

The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 14 days. (Doc. 5 at 3.) The Court advised Plaintiff that the “failure to file objections within the specified time may result in the waiver of the ‘right to challenge the magistrate’s

<sup>1</sup> On October 3, 2024, the Court severed Plaintiff's claims from *Benanti v. Doerer*, Case No. 1:24-cv-01108-CDB (PC) and directed Plaintiff to: (1) file a signed complaint bearing his own case number; and (2) submit a completed application to proceed in forma pauperis or pay the \$405.00 filing fee to proceed with this action. (See Doc. 2 at 6-9.)

1 factual findings' on appeal." (*Id.* at 4, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to do so expired.

3 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having 4 carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported 5 by the record and proper analysis. Thus, the Court **ORDERS**:

- 6 1. The Findings and Recommendations dated December 4, 2024 (Doc. 5) are **ADOPTED**  
7 in full.
- 8 2. The action is **DISMISSED** without prejudice for Plaintiff's failure to prosecute and  
9 failure to comply with the Court's order.
- 10 3. The Clerk of Court is directed to close this case.

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12 IT IS SO ORDERED.

13 Dated: January 2, 2025

  
14 Jennifer L. Thurston  
UNITED STATES DISTRICT JUDGE

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